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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/587,629	06/05/2000	Rono James Mathieson	SLA.0155	7733
7590 05/21/2004				
Robert D Varitz, P.C. 2007 S.E. GRANT STREET Portland, OR 97214		EXAMINER LUU, SY D		
		ART UNIT PAPER NUMBER		
		2174		
DATE MAILED: 05/21/2004				12

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/587,629

Applicant(s)

MATHIESON, RONO JAMES

Examiner

Sy D Luu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/2/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. This communication is responsive to Amendment C, filed 3/2/04.
2. Claims 1-5 are pending in this application. Claims 1, 3, 5 are independent claims. In the Amendment C, claims 1 and 3 were amended. This action is made Non-Final.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### *Allowable Subject Matter*

4. The indicated allowability of claims 2, 4 and 5 is withdrawn in view of the newly discovered reference(s) to Ramaley et al. (US 6,687,741 B1). Rejections based on the newly cited reference(s) follow.

#### *Claim Rejections - 35 USC § 103*

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavendel et al. ("Lavendel", US 6,587,129 B1).

As per claim 1, Lavendel teaches a user interface for controlling peripheral devices comprising: a peripheral option display generated by the peripheral device's device-specific options driver software (col. 6, lines 40-45; col. 7, lines 28-31; col. 8, lines 1-16; *dynamically-loadable device driver software providing specific device user interface corresponding to device-specific peripheral*) for presenting peripheral device-specific peripheral options to a user immediately following selection of a peripheral device in an independent vendor's PC

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application (fig. 7; *"ScanGear" is an independent vendor's PC application; in addition, vendors of different peripheral device provides their own device driver corresponding to its device user interface to the device interface object 50*), wherein said peripheral option display includes a peripheral device-specific user interface (figs. 10a and 10b; col. 11, lines 54 et seq.).

Although Lavendel teaches the command selection for a peripheral device to be made by selecting, from a tab command bar, a command tab having specific control description (col. 3, lines 32-36 and lines 44-46), Lavendel does not teach the tab command bar to show icons. However, Official Notice is taken that the use of icons on command bars is notoriously well known in the art. It would have been obvious to an artisan at the time of the invention to combine such a feature with the command bar of Lavendel in order to give users quick visual identification of available commands.

Claim 3 is similar in scope to claim 1, and is therefore rejected under similar rationale. Lavendel does not expressly disclose the vendor's PC application to include access to a printer as a secondary function. However, Official Notice is taken that the printer function is well known in the art. It would have been obvious to an artisan at the time of the invention to include such a feature with Lavendel's user interface so that users would have quick and easy access to the printing function, e.g. from within the editing user interface as shown in fig. 7, for printing and validating the edited image.

6. Claims 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavendel et al. ("Lavendel", US 6,587,129 B1) in view of Ramaley et al. ("Ramaley", US 6,687,741 B1).

As per claim 2, Lavendel does not teach the user interface to include a bypass function for deselecting said peripheral option display. Ramaley teaches an user interface which includes a bypass function for deselecting an option display (col. 8, lines 35-38). It would have been obvious to an artisan at the time of the invention to combine Ramaley's teaching with Lavendel's user interface in order to bypass the option display if the user does not want to be presented with the option display again in the future.

Claims 4 and 5 are individually similar in scope to claim 2, and are therefore rejected under similar rationale.

#### ***Response to Arguments***

7. Applicant's remarks/arguments with respect to claims 1 and 3 have been considered but are not persuasive. Applicant remarked that based on the interview conducted between the Applicant's representative and the Examiner on July 31, 2003, it was indicated by the Examiner that if the claim language were amended to differentiate the dialog box of the application peripheral user interface from the claimed device-specific driver user interface, the claims would be distinguishable over the applied prior art.

However, upon reviewing the claim language of the amended claims, it appears to the Examiner that the claims as amended are still read on by the previously applied prior art, namely the Lavendel et al. reference. As cited in the rejection, the device-specific user interface is generated and provided by the vendor's PC application to the device interface object 50, which manages the dynamically loadable device driver software to provide specific device user interface corresponding to its device-specific peripheral. It is also noted that Lavendel's

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"ScanGear" user interface shown in fig. 7 reads on the claim language of "independent vendor's PC application".


***Inquiries***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sy Luu whose telephone number is (703) 305-0409. The examiner can normally be reached on Monday - Thursday from 7:00 am to 4:30 pm (EST). The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached on (703) 308-0640.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



**SY D. LUU**  
**PRIMARY EXAMINER**